

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ROYAL SLEEP PRODUCTS, INC.,  
a Florida Corporation,

Plaintiff,

vs.

Case No.: 07 C 6588

RESTONIC CORPORATION,  
an Illinois Corporation,  
RESTONIC MATTRESS CORPORATION,  
an Illinois Corporation  
SLEEP ALLIANCE, LLC,  
a Delaware Limited Liability Company,  
ROYAL BEDDING COMPANY OF BUFFALO,  
a New York Corporation,  
JACKSON MATTRESS CO. LLC,  
a North Carolina Limited Liability Company  
CONTINENTAL SILVERLINE PRODUCTS L.P.,  
a Texas Limited Partnership,  
STEVENS MATTRESS MANUFACTURING CO.,  
a North Dakota Corporation  
TOM COMER, JR., an individual,  
DREW ROBINS, an individual, and  
RICHARD STEVENS, an individual

Judge Rebecca R. Pallmeyer

Magistrate Judge Valdez

Defendants.

---

**JURISDICTIONAL STATEMENT**

Plaintiff, ROYAL SLEEP PRODUCTS, INC., by and through its undersigned counsel and pursuant to direction of this Court, hereby files this jurisdictional statement for the purposes of establishing that all Defendants, including all members of the Defendant limited liability companies and the partners of Defendant limited partnership, are each diverse in citizenship from Plaintiff, and in support states as follows:

1. In determining the citizenship for diversity purposes of a limited liability company and a limited partnership, the citizenship of each of its members and partners is critical.

2. For purposes of diversity jurisdiction, the citizenship of a limited liability company is the citizenship of its members. For purposes of diversity jurisdiction, the citizenship of a partnership is the citizenship of the partners, even if they are limited partners, so that even if even one of the partners, general or limited, is a citizen of the same state as the plaintiff, the suit cannot be maintained as a diversity suit. *Cosgrove v. Bartolotta*, 150 F.3d 729, C.A. 7 (Wis.), 1998.

3. Attached to this jurisdictional statement is an affidavit of the principal of Plaintiff, Gary Robinson, setting forth the complete diversity of each of the Defendants (including defendant corporations, limited liability companies and each of its known members, the limited partnership and each of its known partners and the individual defendants).

4. Based on the affidavit of Gary Robinson all parties to this action are diverse in that no Defendant, including defendant corporations, limited liability companies and each of its members, the limited partnership and each of its known partners and the individual defendants are citizens of the state of Florida, Plaintiff's state of incorporation and citizenship for diversity jurisdiction.

5. In particular, according to the affidavit of Gary Robinson, each of the corporate defendants are all diverse from Plaintiff in that Defendant Restonic Corporation and Defendant Restonic Mattress Corporation are both Illinois Corporations, Defendant Royal Bedding Company of Buffalo is a New York Corporation and Defendant Stevens Mattress Manufacturing Co. is a North Dakota Corporation.

6. According to the affidavit of Gary Robinson, Defendant Sleep Alliance, LLC is a Delaware limited liability company. The sole members of Defendant Sleep Alliance, LLC are Tom Comer Jr., Drew Robins and Richard Stevens. According to the attached affidavit of Gary Robinson, Tom Comer Jr. is a citizen of and resides in New York, Drew Robins is a citizen of and resides in Texas and Richard Stevens is a citizen of and resides in North Dakota. Therefore, Defendant Sleep Alliance, LLC and each of its sole members are diverse in citizenship from Plaintiff.

7. According to the affidavit of Gary Robinson, Defendant Jackson Mattress Co., LLC, is a North Carolina limited liability company and the sole manager of Defendant Jackson Mattress Co., LLC is Tom Comer Jr. According to the attached affidavit of Gary Robinson, Tom Comer Jr. is a citizen of and resides in New York. At this time and after due inquiry, Gary Robinson is unable to ascertain who is the member of Defendant Jackson Mattress Co., LLC.

8. According to the affidavit of Gary Robinson, Defendant Continental Silverline Products L.P., is a Texas limited partnership and the managing partner of Defendant Continental Silverline Products L.P. is Drew Robins. At this time and after due inquiry, Gary Robinson is unable to ascertain who is the limited partner of Defendant Continental Silverline L.P. Therefore, Defendant Continental Silverline Products L.P., including its managing partner, are diverse in citizenship from Plaintiff.

9. Finally, according to the complaint filed in this action and the affidavit of Gary Robinson submitted herewith, each of the individual Defendants in this suit are citizens of and reside in different states than Plaintiff. Tom Comer Jr. is a citizen of and resides in New York, Drew Robins is a citizen of and resides in Texas and Richard Stevens is a citizen of and resides

in North Dakota. Therefore, each of the individual Defendants is diverse in citizenship from Plaintiff.

Dated: December 12, 2007

Respectfully submitted,

/s/ Brian Ira Tanenbaum\_\_\_\_\_

Brian Ira Tanenbaum, Esq. (IL Bar # 6181447)  
John A. Benson, Jr., Esq. (IL Bar # 6289042)  
Attorney for Plaintiff  
THE LAW OFFICES OF  
BRIAN IRA TANENBAUM, LTD.  
2970 Maria Avenue, Suite 207  
Northbrook, IL 60062  
Telephone: 847.562.1636  
Facsimile: 847.562.1637

ZARCO EINHORN SALKOWSKI & BRITO. P.A.  
Attorney for Plaintiff  
Bank of America Tower  
100 S.E. Second Street, Suite 2700  
Miami, Florida 33131  
Telephone: 305.374.5418  
Facsimile 305.374.5428